FILED
APR 10 2013
BILL D. MILLER, Circuit Clerk
FRANKLIN COUNTY MISSOURI
By ________ D.C.

IN THE CIRCUIT COURT OF FRANKLIN COUNTY
STATE OF MISSOURI

DALE AND KIM NEIDENBACH,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Cause No. 13AB-CC00088
	)	
AMICA MUTUAL	)	
INSURANCE COMPANY	)	Div. II
Serve:	)	
Director of Insurance	)	
301 West High Street, Room 530	)	JURY TRIAL DEMANDED
Jefferson City, MO 65101	)	
	)	
Defendant.	)	

PETITION

Come now Plaintiffs, and for their cause of action against Defendant, state as follows:

1. Plaintiffs are individuals who reside in the County of Franklin, State of Missouri.

2. The defendant Amica is a foreign insurance company.

3. On or about October 10, 2012, Plaintiffs sustained damage due to fire, amounting to a total loss, to their residence and personal property, and consequent damage for additional living expenses, owned by them at 991 Decker Road, Labadie, MO 63055.

4. Defendant issued to Plaintiffs a valued insurance policy, # 63052420HX, which provided coverage for this damage, and was in full force and effect at the time of the damage. This policy was issued in Missouri and delivered in Missouri.

6. Plaintiffs satisfied all conditions precedent under the policy.

DEFENDANT'S EXHIBIT
tabbies
A

7. Demand was made by Plaintiffs to Defendant to provide coverage for this damage, and indemnify Plaintiffs for their loss.

8. Defendant has failed to pay the losses owed under the policy.

9. Plaintiffs were damaged in that under the valued policy they sustained a total loss to their dwelling of $350,000; a constructive total loss to their personal property of $262,500; and an amount of Additional Living Expense in an amount presently unknown.

10. In addition, this refusal to pay the value of the damage was vexatious as it was without reasonable cause or excuse, in that Defendant has unreasonably delayed payment of the loss, has failed to keep Plaintiffs updated on the status of their claim as required by 20 CSR 100-1.050, has failed to provide a response to communication as required by 20 CSR 100-1.030, has failed to disclose all coverages pursuant to 20 CSR 100-1.020, and has no basis for not paying the claim other than to unnecessarily delay payment, thereby entitling Plaintiffs to the penalties set forth in Mo. Rev. Stat. § 375.420, including attorneys' fees.

WHEREFORE, plaintiffs respectfully requests this court enter judgment against defendant in an amount in excess of $25,000.00, pre- and post judgment interest, attorneys' fees, and a penalty of 20% of the first $1500.00 of loss and 10% of the amount in excess of $1500.00; and any other relief this Court deems just and proper.

LAW OFFICES OF DAVID C. KNIERIEM

David C. Knieriem #37968
7711 Bonhomme, Suite 850
Clayton, MO 63105
314-862-5110
314-862-5943 (fax)
attorneydavek@cs.com
Attorney for Plaintiffs